

HB 1049 -- BULLYING IN SCHOOLS (Allen)

COMMITTEE OF ORIGIN: Committee on Children and Families

This substitute changes the laws regarding bullying in schools. In its main provisions, the substitute:

- (1) Adds substantial interference with educational opportunities or substantial disruption of the orderly operation of the school to the definition of "bullying." The substitute specifies that "cyberbullying" is the transmission of a communication including, but not limited to, a message, text, sound, or image by means of an electronic device;
- (2) Repeals the provision requiring a district's antibullying policy to treat students equally and not contain specific lists of protected classes of students who are to receive special treatment;
- (3) Specifies that bullying that is reasonably perceived as being motivated by any reason identified by a local school board is prohibited;
- (4) Requires a school district's antibullying policy to include:
 - (a) A statement prohibiting bullying;
 - (b) A statement encouraging students, as well as requiring district employees, to report any instance of bullying and a procedure for the notification of the parents of the individual alleged to be responsible for the bullying incident and the parents of the target of the bullying. An anonymous report cannot be the sole basis of disciplinary action;
 - (c) A procedure for the prompt investigation of reports which identifies the principal or the principal's designee as the person responsible for the investigation;
 - (d) A description of the ways in which a school could respond once an incident of bullying is confirmed;
 - (e) A statement prohibiting reprisal or retaliation against a person reporting an act of bullying and the potential consequence or action for a person who engages in reprisal or retaliation; and
 - (f) A statement of how the policy will be publicized and a process for discussing the policy with students and training employees and volunteers in the requirements of the policy;

(5) Specifies that a targeted student who has completed all required procedures for reporting be informed of other remedies available, including civil action or intervention by any other county, state, or federal agency or office that is empowered to act on behalf of the target; and

(6) Requires the State Board of Education within the Department of Elementary and Secondary Education to develop model policies by September 1, 2013, and authorizes the board to promulgate rules and regulations to implement these provisions.

FISCAL NOTE: No impact on state funds in FY 2013, FY 2014, and FY 2015.